

Document No. 4278
Voted at Meeting of 3/ 3/83
BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF CHINAGATE HOUSING ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN DEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:30 P.M. on February 17, 1983 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated January 26, 1983 (hereinafter called the "Application"), filed by David Wong and Joyce Wong, on behalf of Chinagate Housing Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing been given previously by publication on February 2, 1983 and February 9, 1983, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. William A. McDermott, Jr., Joseph A. Walsh, Clarence J. Jones and James K. Flaherty were present at the hearing.

B. The Project. The proposed development area is located at 7-15 Beach Street, in the Chinatown section of Boston, Massachusetts. A full metes and bounds description can be found at page 3 of the Application.

The Project consists of the acquisition of the land and buildings located at 7-15 Beach Street in Boston and the construction, rehabilitation, operation and maintenance thereon of fifteen (15) dwelling units for low income tenants and 2,173 square feet of commercial space. The fifteen dwelling units, (10 one bedroom apartments and 5 two bedroom apartments), will be located in one six-story building facing Beach Street and will be equipped with electric ranges, refrigerators, disposals, fans and window air conditioning and an individual electricity meter. Other tenant amenities will include a laundry room and storage space. The occupants of the apartments will be families from the surrounding community who qualify for Federal Rental Subsidies and meet the income eligibility test of the Section 8 Program. The 2,173 square feet of commercial space will be used by a Chinese grocery and a Chinese restaurant which will seat approximately forty-five (45) persons. No alcoholic beverages will be available for purchase either on or off the premises of the restaurant or the grocery without the prior approval of the Authority. Attached to this Application as Appendix II is a site plan for the Project Area. There is also incorporated into the Application as Appendix III, drawings of the building, including floor and elevation plans.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped and commercial space.

The Project area is blighted, decadent and substandard, as those terms are defined in Section 1 of Chapter 121A, because of the combination of vacant and boarded structures, broken windows, and badly deteriorated condition of the buildings on the project site which will not be remedied by the ordinary processes of private enterprise.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, decadent and substandard area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately Eight Hundred Sixty Seven Thousand Two Hundred (\$867,200.00) Dollars. Approximately eighty (80%) percent of the cost of the project will be financed by mortgage financing and approximately twenty (20%) percent with non-institutionally supplied equity funds to be provided by the General Partners. The Project has been granted an initial commitment from the Department of Housing and Urban Development and a firm commitment for mortgage insurance from the Federal Housing Administration under its 221(d) program in the amount of \$867,200.00.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project: Chinagate Housing Associates and its General and Limited Partners, United States Department of Housing and Urban Development (HUD), Federal Housing Administration.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and

benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and furnish greatly needed housing for low-income families of the Chinatown section of Boston, an area of the City with great need for such housing. Additionally, the Project's provision of commercial leased space will provide jobs and contribute to the commercial viability of the community. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32 (3) (h), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity. However, in compliance with the historic preservation guidelines of the Secretary of the Interior, no abrasive blasting of exterior surfaces shall be permitted.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in pages 10 through 18 of the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth at pages 10 through 18 of the Application, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does involve the construction of units which constitute a single building under the State Building Code and zoning laws, but the building does not fall under the purview of General Laws, Chapter 138.

ZONING DEVIATIONS REQUESTED

The project is located in a B-8 District. Because the building predates the Zoning Code, and because the upper floors have always been in residential use, first as a hotel and more recently as a lodging house, yard deficiencies are forgiven under Section 13-3. However, the change from lodging house to family apartments creates a deficiency in open space per dwelling unit. The applicant therefore requests a deviation as follows:

Section 17-1 - Open Space per dwelling unit

Required: 50 sq. ft. per dwelling
unit, or 750 sq. ft.

Provided: None

Further, it is anticipated that the Chinese Restaurant proposed to occupy one (1) of the two (2) commercial spaces within said project will not require a conditional use permit pursuant to Use Item #36A as it is anticipated that said facility will provide sit down dining, and therefore any take out service of said facility will be wholly incidental to Zoning Code Use Item 37.

However, in the event that any take out service is deemed not wholly incidental pursuant to item 36A, the applicant requests a deviation pursuant thereto.

2/7/83

M E M O R A N D U M

March 3, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF CHINAGATE
HOUSING ASSOCIATES

On February 17, 1983, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the rehabilitation, operation and maintenance by the Applicant of 15 apartment units of housing for low income persons at 7-15 Beech Street in the Chinatown section of Boston. A firm commitment for FHA mortgage insurance under the 221(d)(4) program has been granted. Construction and permanent financing will be provided by tandem financing from the Department of Housing and Urban Development. All of the units will receive rental assistance from H.U.D. under Section 8 of the Housing Act of 1937, as amended.

Based on the examination of the Application by the Authority staff and on the evidence presented to the Authority at the hearing, it is submitted that there is sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

An appropriate vote follows:

Voted: That the document presented at this meeting, entitled, "Report and Decision on the Application of Chinagate Housing Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a limited partnership organized pursuant to Massachusetts General Laws Chapter 109 and approval to act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and hereby is approved and adopted.